

**UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT**

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ARKANSAS UNITED, et al.,  
Plaintiffs-Appellees,

v.

JOHN THURSTON, et al.,  
Defendants-Appellants.

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On Appeal from the United States District Court  
for the Western District of Arkansas  
No. 5:20-CV-5193 (Hon. Timothy L. Brooks)

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**Joint Motion to Hold Appeal in Abeyance**

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The Parties respectfully submit this joint motion to hold this appeal in abeyance pending a decision in *Arkansas State Conference of the NAACP v. Arkansas Board of Apportionment*, No. 22-1395 (8th Cir.) (“*Arkansas State Conference NAACP*”).

This appeal raises the question of whether Section 208 of the Voting Rights Act is privately enforceable. That is similar to the question squarely presented in *Arkansas State Conference NAACP*, namely, whether Section 2 of the Voting Rights Act is privately enforceable. Oral argument in *Arkansas State Conference NAACP* was held on January 11. Guidance from a decision in that appeal is likely to materially benefit briefing and argument as well as this Court’s consideration of

the issue presented in this appeal. Therefore, in the interest of judicial economy and preserving the Parties' resources, the Parties respectfully request that all proceedings, including briefing deadlines for response and reply briefs and argument, be held in abeyance pending this Court's decision in *Arkansas State Conference NAACP*.

Respectfully submitted,

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## CERTIFICATE OF COMPLIANCE

I certify that this motion complies with the type-volume limitation of Fed. R. App. P. 27(d)(2)(A) because it contains 167 words, excluding the parts exempted by Fed. R. App. P. 32(f).

Pursuant to Fed. R. App. P. 27(d)(1)(E), I also certify that this motion complies with the requirements of Fed. R. App. P. 32(a)(5)-(6) because it has been prepared in a 14-point Times New Roman, a proportionally spaced typeface, using Microsoft Word.

I further certify that this PDF file was scanned for viruses, and no viruses were found on the file.

*/s/ Michael A. Cantrell*  
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Michael A. Cantrell

## **CERTIFICATE OF SERVICE**

I certify that on January 26, 2023, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which shall send notification of such filing to any CM/ECF participants.

/s/ *Michael A. Cantrell*  
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